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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

XOCHITL HERNANDEZ, CESAR  
MATIAS, for themselves and on  
behalf of a certified class of  
similarly situated individuals,

*Plaintiffs-Petitioners,*

v.

MERRICK GARLAND, U.S.  
Attorney General, et al.,

*Defendants-Respondents.*

Case No. 5:16-00620-JGB-KK

**DECLARATION OF ASHLEY  
PHILLIPS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES AND  
EXPENSES**

Hearing Date: March 28, 2022  
Hearing Time: 9:00 a.m.  
Complaint Filed: April 6, 2016

Honorable Jesus G. Bernal

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22 *Attorneys for Plaintiffs-Petitioners*  
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**DECLARATION OF ASHLEY PHILLIPS**

I, Ashley Phillips, hereby declare:

1. I am an associate at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP (“Skadden”), which, along with the American Civil Liberties Union Foundation of Southern California (“ACLU SoCal”), served as co-counsel for Plaintiffs Xochitl Hernandez, Cesar Matias, and the certified class they represent in the above-captioned matter. I am a member of the California State Bar. I am admitted to practice before the United States District Court for the Central District of California and United States District Court for the Northern District of California.

2. I submit this declaration in support of Plaintiffs’ unopposed motion for an award of attorneys’ fees and reimbursement of costs incurred in the litigation of this case. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

**The Parties Have Agreed to a Fair, Reasonable, and Appropriate Award of Attorneys’ Fees**

3. Skadden has a standard billing process that it follows. My firm’s practice is to require each timekeeper, including attorneys and staff (law clerks, legal assistants, and billing and clerical personnel), to record time worked on firm matters in tenth of an hour increments. The time is to be recorded contemporaneously and is entered into the firm’s computerized time and billing system either by the attorney directly or his or her secretary. As far as I am aware, attorneys, legal assistants and other personnel working on this matter recorded their time contemporaneously. Each timekeeper records daily time logs. Those logs reflect the time worked on each matter for that day and a description of the work done. Those records are then entered into the Firm’s billing system, broken out by client and, for each client, the relevant matter. Skadden follows this procedure for

both standard and *pro bono* engagements (such as this one) and did so in working on this litigation.

**Information About The Skadden Attorneys And Staff On The Case**

4. As stated above, I am an associate at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP (“Skadden”). I started at the firm in 2017. I obtained my J.D. from UCLA School of Law in 2017. My billing rate in 2017 was \$415 per hour, in 2018 was \$515 per hour, and in 2019 was \$660 per hour.

5. Matt Delgado joined Skadden in 2015. Mr. Delgado received his J.D. from Columbia Law School in 2015. His billing rate in 2015 was \$380 per hour, in 2016 was \$470 per hour, and in 2017 was \$595 per hour.

6. Alexandra Farmer joined Skadden in 2018. Ms. Farmer received her J.D. from Columbia University School of Law in 2018. Her billing rate in 2019 was \$550 per hour.

7. Grayce Frink joined Skadden in 2011. Ms. Frink received her J.D. from UC Berkeley School of Law in 2011. Her billing rate in 2015 was \$775 per hour and in 2016 was \$820 per hour.

8. Devon Hein joined Skadden in 2012. Ms. Hein received her J.D. from Columbia University School of Law in 2012. Her billing rate in 2015 was \$735 per hour, in 2016 was \$780 per hour and in 2017 was \$860 per hour.

9. Michael Hidalgo joined Skadden in 2015. Mr. Hidalgo received his J.D. from UC Berkeley School of Law in 2015. His billing rate in 2015 was \$380 per hour, in 2016 was \$470 per hour, in 2017 was \$595 per hour, and in 2018 was \$740 per hour.

10. John Korevec joined Skadden in 2016. Mr. Korevec received his J.D. from the University of Southern California Gould School of Law in 2015, following which he clerked for the Honorable Manuel L. Real, in the United States District Court for the Central District of California. His billing rate in 2017 was \$595 per

1 hour and in 2018 was \$740 per hour.

2 11. Alyssa Musante joined Skadden in 2018. Ms. Musante received her J.D.  
3 from Loyola Law School in 2016, where she graduated Magna Cum Laude and  
4 Order of the Coif. She clerked for the Honorable William H. Orrick, III, in the  
5 United States District Court for the Northern District of California. Her billing rate  
6 in 2018 was \$740 per hour and in 2019 was \$785 per hour.

7 12. Olivia Powar joined Skadden in 2017. Ms. Powar received her J.D. from  
8 UCLA School of Law in 2017. Her billing rate in 2017 was \$415 per hour and in  
9 2018 was \$515 per hour.

10 13. Erica Sedler joined Skadden in 2011. Ms. Sedler received her J.D. from New  
11 York University School of Law in 2010. Her billing rate in 2018 was \$995 per  
12 hour.

13 14. Doug Smith joined Skadden in 2012. Mr. Smith received his J.D. from the  
14 College of William & Mary in 2006, where he served as the Managing Editor of  
15 Law Review. Mr. Smith clerked for the Honorable Beverly B. Martin in the United  
16 States Court of Appeals for the Eleventh Circuit, the Honorable Richard L. Gabriel  
17 in the Colorado Court of Appeals, and the Honorable Monica M. Márquez in the  
18 Colorado Supreme Court. Mr. Smith has extensive experience litigating civil rights  
19 class actions and has received numerous awards for his *pro bono* service, including  
20 the California Young Lawyers Association's Jack Berman Award of Achievement.  
21 His billing rate in 2015 was \$870 per hour, in 2016 was \$920 per hour, in 2017  
22 was \$965 per hour, in 2018 was \$995 per hour, and in 2019 was \$1,050 per hour.

23 15. Catherine Thompson joined Skadden in 2016. Ms. Thompson received her  
24 J.D. from UCLA School of Law in 2016. Her billing rate in 2018 was \$620 per  
25 hour.

26 16. In addition to the attorneys on the case, a number of Skadden staff worked  
27 on this matter, including legal assistants and law clerks. Skadden's support staff  
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1 are responsible for creating, operating and managing electronic databases used for  
2 documents, depositions, deposition exhibits and trial exhibits, as well as providing  
3 support to attorneys in connection with filings, deposition or witness preparation,  
4 and general case management. Skadden typically bills the time of staff to clients,  
5 as do Skadden's peer law firms.

6 17.Shannon Cooper, a legal assistant and general litigation specialist, joined  
7 Skadden in 2015 Her billing rate in 2016 was \$365 per hour, in 2017 was \$385 per  
8 hour, in 2018 was \$410, and in 2019 was \$430 per hour.

9 18.Candice Spoon, an assistant managing law clerk, joined Skadden in 2016.  
10 Her billing rate from 2016-2019 was \$95 per hour.

11 **The Time Spent By Skadden In This Litigation**

12 19. Skadden does not charge fees to its *pro bono* clients, such as Plaintiffs in  
13 this action. However, the majority of Skadden's clients are charged hourly rates,  
14 and the rates set forth above represent the rates actually charged to Skadden's  
15 paying clients. These are the rates at which my firm regularly bills for services  
16 performed on behalf of firm clients. This rate is set by the firm's management.  
17 Based upon my understanding of rates charged by other large private law firms in  
18 Los Angeles and other major metropolitan areas, Skadden's hourly rates, including  
19 the hourly rates of the attorneys and other staff persons involved in this matter, are  
20 competitive with other firms of like size and experience in the Los Angeles area,  
21 and reflect the market rate charged by attorneys of comparable experience,  
22 expertise and reputation in this community.

23 20.In the exercise of billing judgment, any time spent by Skadden attorneys and  
24 staff on this matter that were believed to be unproductive or duplicative were  
25 reduced or eliminated hours. Further, the lodestar for attorneys from Skadden were  
26 discounted by five percent.

27 21.The claimed time spent by Skadden attorneys and staff on this matter up to  
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December 2019, after the exercise of billing judgment, is set forth below, and detailed billing records are attached to the Kaufman Declaration at Exhibit A.

Skadden Arps, Slate, Meagher & Flom LLP				
Position	Name	Year	Hours	Total:
Attorney	Matt Delgado	2015-2017	145.2	\$27,964.86
Attorney	Alexandra Farmer	2019	179.60	\$36,862.90
Attorney	Grayce Frink	2015-2016	325.1	\$34,570.25
Attorney	Devon Hein	2015-2017	384.2	\$74,693.63
Attorney	Michael Hidalgo	2015-2018	463.1	\$90,270.01
Attorney	John Korevec	2017-2018	380.1	\$76,005.27
Attorney	Alyssa Musante	2018-2019	238.7	\$48,725.63
Attorney	Ashley Phillips	2017-2019	259.8	\$52,506.58
Attorney	Oliva Powar	2017-2018	118	\$23,669.51
Attorney	Erica Sedler	2018	320.40	\$64,592.64
Attorney	Doug Smith	2015-2019	1269.7	\$254,461.42
Attorney	Catherine Thompson	2018	95.20	\$7,387.21
Legal Assistant	Shannon Cooper	2016-2019	371.5	\$75,761.56
Legal Assistant	Candace Spoon	2016-2019	300.3	\$60,597.35
			<b>Total Fees:</b>	<b>\$939,969.11</b>
			<b>Total Fees (5% reduction)</b>	<b>\$899,788.60</b>
			<b>Total Costs:</b>	<b>\$100,127.41</b>

### Costs Incurred By Skadden In Litigating This Action

22.Skadden also incurred significant costs in litigating this matter. A true and correct breakdown of all the costs incurred by Skadden in this case is attached as Exhibit M. Skadden tracks costs incurred on a case by assigning a unique client



1 and matter number for every engagement. All expenditures must have a client and  
2 a matter number before they can be approved for payment and the records of  
3 expenditures are maintained by the firm's accounting department. This applies  
4 both to internal costs and third-party costs paid by Skadden, such as invoices from  
5 third-party vendors. If it is a reimbursement (such as travel costs), the attorney  
6 provides the receipt to our accounting department, along with the client and matter  
7 for which the cost was incurred.

8 23. Costs such as word processing/secretarial, facsimile and in-house  
9 reproduction reflect internal charges that Skadden customarily recovers from its  
10 clients. Like many large firms, Skadden does not treat these items as part of the  
11 firm's overhead, but recovers them from its clients.

12 24. Attached to the Kaufman Declaration at Exhibit M is the compensable costs  
13 incurred by Skadden in litigating this action.

14 25. In my opinion, the attorneys' fees and costs set forth above were reasonable  
15 and necessarily incurred given the nature of the case.

16  
17 I declare under penalty of perjury under the laws of the United States and the  
18 State of California that the foregoing is true and correct.

19 Executed at Los Angeles, California on March 14, 2022.

20  
21 s/ Ashley Phillips

22 Ashley Phillips

23 Counsel for Plaintiffs  
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